control device is replaced with fresh carbon.

- (7) For carbon adsorption systems operated subject to requirements specified in §265.1033(h)(1), a log that records:
- (i) Date and time when control device is monitored for carbon breakthrough and the monitoring device reading.
- (ii) Date when existing carbon in the control device is replaced with fresh carbon.
- (8) Date of each control device startup and shutdown.
- (9) An owner or operator designating any components of a closed-vent system as unsafe to monitor pursuant to §265.1033(n) of this subpart shall record in a log that is kept in the facility operating record the identification of closed-vent system components that are designated as unsafe to monitor in accordance with the requirements of §265.1033(n) of this subpart, an explanation for each closed-vent system component stating why the closed-vent system component is unsafe to monitor, and the plan for monitoring each closed-vent system component.
- (10) When each leak is detected as specified in §265.1033(k) of this subpart, the following information shall be recorded:
- (i) The instrument identification number, the closed-vent system component identification number, and the operator name, initials, or identification number.
- (ii) The date the leak was detected and the date of first attempt to repair the leak.
- (iii) The date of successful repair of the leak.
- (iv) Maximum instrument reading measured by Method 21 of 40 CFR part 60, appendix A after it is successfully repaired or determined to be nonrepairable
- (v) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
- (A) The owner or operator may develop a written procedure that identifies the conditions that justify a delay of repair. In such cases, reasons for delay of repair may be documented by citing the relevant sections of the written procedure.

- (B) If delay of repair was caused by depletion of stocked parts, there must be documentation that the spare parts were sufficiently stocked on-site before depletion and the reason for depletion.
- (d) Records of the monitoring, operating, and inspection information required by paragraphs (c)(3) through (c)(10) of this section shall be maintained by the owner or operator for at least 3 years following the date of each occurrence, measurement, maintenance, corrective action, or record.
- (e) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.
- (f) Up-to-date information and data used to determine whether or not a process vent is subject to the requirements in §265.1032 including supporting documentation as required by §265.1034(d)(2) when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used, shall be recorded in a log that is kept in the facility operating record.

[55 FR 25507, June 21, 1990, as amended at 56 FR 19290, Apr. 26, 1991; 61 FR 59970, Nov. 25, 1996; 71 FR 40276, July 14, 2006]

§§ 265.1036-265.1049 [Reserved]

Subpart BB—Air Emission Standards for Equipment Leaks

Source: 55 FR 25512, June 21, 1990, unless otherwise noted.

§ 265.1050 Applicability.

- (a) The regulations in this subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in §265.1).
- (b) Except as provided in §265.1064(k), this subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

- (1) A unit that is subject to the permitting requirements of 40 CFR part 270, or
- (2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 40 CFR 262.34(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 40 CFR part 270, or
- (3) A unit that is exempt from permitting under the provisions of 40 CFR 262.34(a) (i.e., a "90-day" tank or container) and is not a recycling unit under the provisions of 40 CFR 261.6.
- (c) Each piece of equipment to which this subpart applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.
- (d) Equipment that is in vacuum service is excluded from the requirements of §265.1052 to §265.1060 if it is identified as required in §265.1064(g)(5).
- (e) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year is excluded from the requirements of §§265.1052 through 265.1060 of this subpart if it is identified, as required in §265.1064(g)(6) of this subpart.
- (f) The requirements of this subpart do not apply to the pharmaceutical manufacturing facility, commonly referred to as the Stonewall Plant, located at Route 340 South, Elkton, Virginia, provided that facility is operated in compliance with the requirements contained in a Clean Air Act permit issued pursuant to 40 CFR 52.2454. The requirements of this subpart shall apply to the facility upon termination of the Clean Air Act permit issued pursuant to 40 CFR 52.2454.
- (g) Purged coatings and solvents from surface coating operations subject to the national emission standards for hazardous air pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at 40 CFR part 63, subpart IIII, are not subject to the requirements of this subpart.

[Note: The requirements of §§ 265.1052 through 265.1064 apply to equipment associ-

ated with hazardous waste recycling units previously exempt under paragraph 261.6(c)(1). Other exemptions under §§ 261.4 and 265.1(c) are not affected by these requirements.

[55 FR 25512, June 21, 1990, as amended at 61 FR 59970, Nov. 25, 1996; 62 FR 52642, Oct. 8, 1997; 62 FR 64661, Dec. 8, 1997; 69 FR 22661, Apr. 26, 2004]

§ 265.1051 Definitions.

As used in this subpart, all terms shall have the meaning given them in §264.1031, the Act, and parts 260–266.

§ 265.1052 Standards: Pumps in light liquid service.

- (a)(1) Each pump in light liquid service shall be monitored monthly to detect leaks by the methods specified in §265.1063(b), except as provided in paragraphs (d), (e), and (f) of this section.
- (2) Each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.
- (b)(1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- (2) If there are indications of liquids dripping from the pump seal, a leak is detected
- (c)(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §265.1059.
- (2) A first attempt at repair (e.g., tightening the packing gland) shall be made no later than 5 calendar days after each leak is detected.
- (d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraph (a), provided the following requirements are met:
- (1) Each dual mechanical seal system must be:
- (i) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure, or
- (ii) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of §265.1060, or
- (iii) Equipped with a system that purges the barrier fluid into a hazardous waste stream with no detectable emissions to the atmosphere.

- (2) The barrier fluid system must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
- (3) Each barrier fluid system must be equipped with a sensor that will detect failure of the seal system, the barrier fluid system or both.
- (4) Each pump must be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seals.
- (5)(i) Each sensor as described in paragraph (d)(3) of this section must be checked daily or be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly.
- (ii) The owner or operator must determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.
- (6)(i) If there are indications of liquids dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined in paragraph (d)(5)(ii) of this section, a leak is detected.
- (ii) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in § 265.1059.
- (iii) A first attempt at repair (e.g., relapping the seal) shall be made no later than 5 calendar days after each leak is detected.
- (e) Any pump that is designated, as described in §265.1064(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraphs (a), (c), and (d) of this section if the pump meets the following requirements:
- (1) Must have no externally actuated shaft penetrating the pump housing.
- (2) Must operate with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background as measured by the methods specified in §265.1063(c).
- (3) Must be tested for compliance with paragraph (e)(2) of this section initially upon designation, annually,

- and at other times as requested by the Regional Administrator.
- (f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of §265.1060, it is exempt from the requirements of paragraphs (a) through (e) of this section.

[55 FR 25512, June 21, 1990, as amended at 56 FR 19290, Apr. 26, 1991]

§ 265.1053 Standards: Compressors.

- (a) Each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of total organic emissions to the atmosphere, except as provided in paragraphs (h) and (i) of this section.
- (b) Each compressor seal system as required in paragraph (a) of this section shall be:
- (1) Operated with the barrier fluid at a pressure that is at all times greater than the compressor stuffing box pressure. or
- (2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of §265.1060, or
- (3) Equipped with a system that purges the barrier fluid into a hazardous waste stream with no detectable emissions to atmosphere.
- (c) The barrier fluid must not be a hazardous waste with organic concentrations 10 percent or greater by weight.
- (d) Each barrier fluid system as described in paragraphs (a) through (c) of this section shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.
- (e)(1) Each sensor as required in paragraph (d) of this section shall be checked daily or shall be equipped with an audible alarm that must be checked monthly to ensure that it is functioning properly unless the compressor is located within the boundary of an unmanned plant site, in which case the sensor must be checked daily.
- (2) The owner or operator shall determine, based on design considerations and operating experience, a criterion

that indicates failure of the seal system, the barrier fluid system or both.

- (f) If the sensor indicates failure of the seal system, the barrier fluid system, or both based on the criterion determined under paragraph (e)(2) of this section, a leak is detected.
- (g)(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §265.1059.
- (2) A first attempt at repair (e.g., tightening the packing gland) shall be made no later than 5 calendar days after each leak is detected.
- (h) A compressor is exempt from the requirements of paragraphs (a) and (b) of this section if it is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal to a control device that complies with the requirements of § 265.1060, except as provided in paragraph (i) of this section.
- (i) Any compressor that is designated, as described in §265.1064(g)(2), for no detectable emission as indicated by an instrument reading of less than 500 ppm above background is exempt from the requirements of paragraphs (a) through (h) of this section if the compressor:
- (1) Is determined to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in §265.1063(c).
- (2) Is tested for compliance with paragraph (i)(1) of this section initially upon designation, annually, and at other times as requested by the Regional Administrator.

§ 265.1054 Standards: Pressure relief devices in gas/vapor service.

- (a) Except during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in §265.1063(c).
- (b)(1) After each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above

background, as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in §265.1059.

- (2) No later than 5 calendar days after the pressure release, the pressure relief device shall be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in § 265.1063(c).
- (c) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in §265.1060 is exempt from the requirements of paragraphs (a) and (b) of this section.

§ 265.1055 Standards: Sampling connection systems.

- (a) Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed-vent system. This system shall collect the sample purge for return to the process or for routing to the appropriate treatment system. Gases displaced during filling of the sample container are not required to be collected or captured.
- (b) Each closed-purge, closed-loop, or closed-vent system as required in paragraph (a) of this section shall:
- (1) Return the purged process fluid directly to the process line; or
- (2) Collect and recycle the purged process fluid; or
- (3) Be designed and operated to capture and transport all the purged process fluid to a waste management unit that complies with the applicable requirements of §265.1085 through \$265.1087 of this subpart or a control device that complies with the requirements of §265.1060 of this subpart.
- (c) *In-situ* sampling systems and sampling systems without purges are exempt from the requirements of paragraphs (a) and (b) of this section.

[61 FR 59971, Nov. 25, 1996]

§ 265,1056 Standards: Open-ended valves or lines.

(a)(1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve.

- (2) The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open-ended valve or line.
- (b) Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the hazardous waste stream end is closed before the second valve is closed.
- (c) When a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with paragraph (a) of this section at all other times.

§ 265.1057 Standards: Valves in gas/ vapor service or in light liquid service.

- (a) Each valve in gas/vapor or light liquid service shall be monitored monthly to detect leaks by the methods specified in §265.1063(b) and shall comply with paragraphs (b) through (e) of this section, except as provided in paragraphs (f), (g), and (h) of this section, and §§265.1061 and 265.1062.
- (b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- (c)(1) Any valve for which a leak is not detected for two successive months may be monitored the first month of every succeeding quarter, beginning with the next quarter, until a leak is detected.
- (2) If a leak is detected, the valve shall be monitored monthly until a leak is not detected for 2 successive months.
- (d)(1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in §265.1059.
- (2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
- (e) First attempts at repair include, but are not limited to, the following best practices where practicable:
 - (1) Tightening of bonnet bolts.
 - (2) Replacement of bonnet bolts.
 - (3) Tightening of packing gland nuts.
- (4) Injection of lubricant into lubricated packing.

- (f) Any valve that is designated, as described in §265.1064(g)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraph (a) of this section if the valve:
- (1) Has no external actuating mechanism in contact with the hazardous waste stream.
- (2) Is operated with emissions less than 500 ppm above background as determined by the method specified in §265.1063(c).
- (3) Is tested for compliance with paragraph (f)(2) of this section initially upon designation, annually, and at other times as requested by the Regional Administrator.
- (g) Any valve that is designated, as described in §265.1064(h)(1), as an unsafe-to-monitor valve is exempt from the requirements of paragraph (a) of this section if:
- (1) The owner or operator of the valve determines that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with paragraph (a) of this section.
- (2) The owner or operator of the valve adheres to a written plan that requires monitoring of the valve as frequently as practicable during safe-to-monitor times.
- (h) Any valve that is designated, as described in §265.1064(h)(2), as a difficult-to-monitor valve is exempt from the requirements of paragraph (a) of this section if:
- (1) The owner or operator of the valve determines that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.
- (2) The hazardous waste management unit within which the valve is located was in operation before June 21, 1990.
- (3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

§ 265.1058 Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service, and flanges and other connectors.

(a) Pumps and valves in heavy liquid service, pressure relief devices in light

liquid or heavy liquid service, and flanges and other connectors shall be monitored within 5 days by the method specified in §265.1063(b) if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method.

- (b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- (c)(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in §265.1059.
- (2) The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.
- (d) First attempts at repair include, but are not limited to, the best practices described under §265.1057(e).
- (e) Any connector that is inaccessible or is ceramic or ceramic-lined (e.g., porcelain, glass, or glass-lined) is exempt from the monitoring requirements of paragraph (a) of this section and from the recordkeeping requirements of §265.1064 of this subpart.

[55 FR 25512, June 21, 1990, as amended at 61 FR 59971, Nov. 25, 1996]

§ 265.1059 Standards: Delay of repair.

- (a) Delay of repair of equipment for which leaks have been detected will be allowed if the repair is technically infeasible without a hazardous waste management unit shutdown. In such a case, repair of this equipment shall occur before the end of the next hazardous waste management unit shutdown.
- (b) Delay of repair of equipment for which leaks have been detected will be allowed for equipment that is isolated from the hazardous waste management unit and that does not continue to contain or contact hazardous waste with organic concentrations at least 10 percent by weight.
- (c) Delay of repair for valves will be allowed if:
- (1) The owner or operator determines that emissions of purged material resulting from immediate repair are greater than the emissions likely to result from delay of repair.
- (2) When repair procedures are effected, the purged material is collected

and destroyed or recovered in a control device complying with §265.1060.

- (d) Delay of repair for pumps will be allowed if:
- (1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system.
- (2) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.
- (e) Delay of repair beyond a hazardous waste management unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the hazardous waste management unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next hazardous waste management unit shutdown will not be allowed unless the next hazardous waste management unit shutdown occurs sooner than 6 months after the first hazardous waste management unit shutdown.

§ 265.1060 Standards: Closed-vent systems and control devices.

- (a) Owners and operators of closedvent systems and control devices subject to this subpart shall comply with the provisions of §265.1033 of this part.
- (b)(1) The owner or operator of an existing facility who can not install a closed-vent system and control device to comply with the provisions of this subpart on the effective date that the facility becomes subject to the provisions of this subpart must prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this subpart for installation and startup.
- (2) Any units that begin operation after December 21, 1990, and are subject to the provisions of this subpart when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

- (3) The owner or operator of any facility in existence on the effective date of a statutory or EPA regulatory amendment that renders the facility subject to this subpart shall comply with all requirements of this subpart as soon as practicable but no later than 30 months after the amendment's effective date. When control equipment required by this subpart can not be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.
- (4) Owners and operators of facilities and units that become newly subject to the requirements of this subpart after December 8, 1997 due to an action other than those described in paragraph (b)(3) of this section must comply with all applicable requirements immediately (i.e., must have control devices installed and operating on the date the facility or unit becomes subject to this subpart; the 30-month implementation schedule does not apply).

[62 FR 64662, Dec. 8, 1997]

§ 265.1061 Alternative standards for valves in gas/vapor service or in light liquid service: percentage of valves allowed to leak.

- (a) An owner or operator subject to the requirements of §265.1057 may elect to have all valves within a hazardous waste management unit comply with an alternative standard which allows no greater than 2 percent of the valves to leak.
- (b) The following requirements shall be met if an owner or operator decides to comply with the alternative standard of allowing 2 percent of valves to leak:

- (1) A performance test as specified in paragraph (c) of this section shall be conducted initially upon designation, annually, and at other times requested by the Regional Administrator.
- (2) If a valve leak is detected, it shall be repaired in accordance with § 265.1057 (d) and (e).
- (c) Performance tests shall be conducted in the following manner:
- (1) All valves subject to the requirements in §265.1057 within the hazardous waste management unit shall be monitored within 1 week by the methods specified in §265.1063(b).
- (2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
- (3) The leak percentage shall be determined by dividing the number of valves subject to the requirements in §265.1057 for which leaks are detected by the total number of valves subject to the requirements in §265.1057 within the hazardous waste management unit.

[55 FR 25512, June 21, 1990, as amended at 71 FR 16912, Apr. 4, 2006]

§ 265.1062 Alternative standards for valves in gas/vapor service or in light liquid service: skip period leak detection and repair.

- (a) An owner or operator subject to the requirements of §265.1057 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in paragraphs (b) (2) and (3) of this section.
- (b)(1) An owner or operator shall comply with the requirements for valves, as described in $\S 265.1057$, except as described in paragraphs (b)(2) and (b)(3) of this section.
- (2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2 percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., monitor for leaks once every six months) for the valves subject to the requirements in §265.1057 of this subpart.
- (3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2 percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e.,

monitor for leaks once every year) for the valves subject to the requirements in §265.1057 of this subpart.

(4) If the percentage of valves leaking is greater than 2 percent, the owner or operators shall monitor monthly in compliance with the requirements in §265.1057, but may again elect to use this section after meeting the requirements of §265.1057(c)(1).

[55 FR 25512, June 21, 1990, as amended at 62 FR 64662, Dec. 8, 1997; 71 FR 16912, Apr. 4, 2006]

§ 265.1063 Test methods and procedures.

- (a) Each owner or operator subject to the provisions of this subpart shall comply with the test methods and procedures requirements provided in this section.
- (b) Leak detection monitoring, as required in §§ 265.1052 through 265.1062, shall comply with the following requirements:
- (1) Monitoring shall comply with Reference Method 21 in 40 CFR part 60.
- (2) The detection instrument shall meet the performance criteria of Reference Method 21.
- (3) The instrument shall be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
 - (4) Calibration gases shall be:
- (i) Zero air (less than 10 ppm of hydrocarbon in air).
- (ii) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
- (5) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- (c) When equipment is tested for compliance with no detectable emissions, as required in §\$265.1052(e), 265.1053(i), 265.1054, and 265.1057(f), the test shall comply with the following requirements:
- (1) The requirements of paragraphs (b) (1) through (4) of this section shall apply.
- (2) The background level shall be determined, as set forth in Reference Method 21.

- (3) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- (4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- (d) In accordance with the waste analysis plan required by \$265.13(b), an owner or operator of a facility must determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:
- (1) Methods described in ASTM Methods D 2267-88, E 169-87, E 168-88, E 260-85 (incorporated by reference under § 260.11);
- (2) Method 9060A (incorporated by reference under §260.11 of this chapter) of "Test Methods for Evaluating Solid Waste," EPA Publication SW-846 or analyzed for its individual organic constituents; or
- (3) Application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that shall be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same waste stream where it can also be documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- (e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in paragraph (d)(1) or (d)(2) of this section.

- (f) When an owner or operator and the Regional Administrator do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in paragraph (d)(1) or (d)(2) of this section can be used to resolve the dispute.
- (g) Samples used in determining the percent organic content shall be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.
- (h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents may be obtained from standard reference texts or may be determined by ASTM D-2879-86 (incorporated by reference under § 260.11).
- (i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction shall comply with the procedures of § 265.1034 (c)(1) through (c)(4).
- $[55\ FR\ 25512,\ June\ 21,\ 1990,\ as\ amended\ at\ 62\ FR\ 32463,\ June\ 13,\ 1997;\ 70\ FR\ 34586,\ June\ 14,\ 2005;\ 71\ FR\ 40276,\ July\ 14,\ 2006]$

§ 265.1064 Recordkeeping requirements.

- (a)(1) Each owner or operator subject to the provisions of this subpart shall comply with the recordkeeping requirements of this section.
- (2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this subpart may comply with the record-keeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- (b) Owners and operators must record the following information in the facility operating record:
- (1) For each piece of equipment to which subpart BB of part 265 applies:
- (i) Equipment identification number and hazardous waste management unit identification.
- (ii) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
- (iii) Type of equipment (e.g., a pump or pipeline valve).

- (iv) Percent-by-weight total organics in the hazardous waste stream at the equipment.
- (v) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
- (vi) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- (2) For facilities that comply with the provisions of $\S265.1033(a)(2)$, an implementation schedule as specified in $\S265.1033(a)(2)$.
- (3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in § 265.1035(b)(3).
- (4) Documentation of compliance with §265.1060, including the detailed design documentation or performance test results specified in §265.1035(b)(4).
- (c) When each leak is detected as specified in §\$265.1052, 265.1053, 265.1057, and 265.1058, the following requirements apply:
- (1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with §265.1058(a), and the date the leak was detected, shall be attached to the leaking equipment.
- (2) The identification on equipment, except on a valve, may be removed after it has been repaired.
- (3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in §265.1057(c) and no leak has been detected during those 2 months.
- (d) When each leak is detected as specified in §§ 265.1052, 265.1053, 265.1057, and 265.1058, the following information shall be recorded in an inspection log and shall be kept in the facility operating record:
- (1) The instrument and operator identification numbers and the equipment identification number.
- (2) The date evidence of a potential leak was found in accordance with §265.1058(a).
- (3) The date the leak was detected and the dates of each attempt to repair the leak.

- (4) Repair methods applied in each attempt to repair the leak.
- (5) "Above 10,000" if the maximum instrument reading measured by the methods specified in §265.1063(b) after each repair attempt is equal to or greater than 10,000 ppm.
- (6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
- (7) Documentation supporting the delay of repair of a valve in compliance with §265.1059(c).
- (8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
- (9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
- (10) The date of successful repair of the leak.
- (e) Design documentation and monitoring, operating, and inspection information for each closed-vent system and control device required to comply with the provisions of $\S265.1060$ shall be recorded and kept up-to-date in the facility operating record as specified in $\S265.1035(c)$. Design documentation is specified in $\S265.1035$ (c)(1) and (c)(2) and monitoring, operating, and inspection information in $\S265.1035$ (c)(3)-(c)(8).
- (f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.
- (g) The following information pertaining to all equipment subject to the requirements in §§ 265.1052 through 265.1060 shall be recorded in a log that is kept in the facility operating record:
- (1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this subpart.
- (2)(i) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm

- above background, under the provisions of $\S265.1052(e)$, 265.1053(i), and 265.1057(f).
- (ii) The designation of this equipment as subject to the requirements of §§ 265.1052(e), 265.1053(i), or 265.1057(f) shall be signed by the owner or operator.
- (3) A list of equipment identification numbers for pressure relief devices required to comply with §265.1054(a).
- (4)(i) The dates of each compliance test required in §§ 265.1052(e), 265.1053(i), 265.1054, and 265.1057(f).
- (ii) The background level measured during each compliance test.
- (iii) The maximum instrument reading measured at the equipment during each compliance test.
- (5) A list of identification numbers for equipment in vacuum service.
- (6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.
- (h) The following information pertaining to all valves subject to the requirements of §265.1057 (g) and (h) shall be recorded in a log that is kept in the facility operating record:
- (1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
- (2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
- (i) The following information shall be recorded in the facility operating record for valves complying with § 265.1062:
 - (1) A schedule of monitoring.
- (2) The percent of valves found leaking during each monitoring period.
- (j) The following information shall be recorded in a log that is kept in the facility operating record:
- (1) Criteria required in $\S\S265.1052$ (d)(5)(ii) and 265.1053(e)(2) and an explanation of the criteria.
- (2) Any changes to these criteria and the reasons for the changes.

- (k) The following information shall be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in the applicability section of this subpart and other specific subparts:
- (1) An analysis determining the design capacity of the hazardous waste management unit.
- (2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in §§ 265.1052 through 265.1060 and an analysis determining whether these hazardous wastes are heavy liquids.
- (3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in §§ 265.1052 through 265.1060. The record shall include supporting documentation as required by §265.1063(d)(3) when application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in §§ 265.1052 through 265.1060, then a new determination is required.
- (1) Records of the equipment leak information required by paragraph (d) of this section and the operating information required by paragraph (e) of this section need be kept only 3 years.
- (m) The owner or operator of any facility with equipment that is subject to this subpart and to leak detection, monitoring, and repair requirements under regulations at 40 CFR part 60, part 61, or part 63 may elect to determine compliance with this subpart either by documentation pursuant to §265.1064 of this subpart, or by documentation of compliance with the regulations at 40 CFR part 60, part 61, or part 63 pursuant to the relevant provisions of the regulations at 40 part 60, part 61, or part 63. The documentation of compliance under regulation at 40 CFR part 60, part 61, or part 63 shall be

kept with or made readily available with the facility operating record.

[55 FR 25512, June 21, 1990, as amended at 56 FR 19290, Apr. 26, 1991; 61 FR 59971, Nov. 25, 1996; 62 FR 64662, Dec. 8, 1997]

§§ 265.1065-265.1079 [Reserved]

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

SOURCE: 59 FR 62935, Dec. 6, 1994, unless otherwise noted.

\$265.1080 Applicability.

- (a) The requirements of this subpart apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either subpart I, J, or K of this part except as §265.1 and paragraph (b) of this section provide otherwise.
- (b) The requirements of this subpart do not apply to the following waste management units at the facility:
- (1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.
- (2) A container that has a design capacity less than or equal to 0.1 m³.
- (3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- (4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- (5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of RCRA sections 3004(u), 3004(v), or 3008(h); CERCLA authorities; or similar Federal or State authorities.
- (6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance